

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRED WILSON

CIVIL ACTION

v.

CYNTHIA DAUB, et al.

FILED
MAR -2 2012

MICHAEL E. KUNZ, Clerk
By, _____ Dep. Clerk

NO. 12-0471

O R D E R

AND NOW, this 2 day of March, 2012, upon consideration of plaintiff's complaint and his motion to proceed in forma pauperis, IT IS ORDERED that:

1. Plaintiff's request for reconsideration (Document No. 3), in which he asks this Court to reconsider the denial without prejudice of his motion to proceed in forma pauperis is GRANTED;

2. Leave to proceed in forma pauperis is GRANTED;

3. Plaintiff, Fred Wilson, #62064-066, shall pay the full filing fee of \$350 pursuant to 28 U.S.C. § 1915(b).

Based on plaintiff's financial statement, an initial partial filing fee of \$21.91 is assessed. The Warden or other appropriate official at the Federal Correctional Institution at Three Rivers, where plaintiff is presently confined, or at any other correctional facility at which plaintiff may be confined, is directed to deduct \$21.91 from plaintiff's prisoner account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 2609 U.S. Courthouse, Philadelphia, PA 19106, to be credited to Civil Action No. 12-471. Thereafter, until the full filing fee is paid, the Warden or other


appropriate official at the Federal Correctional Institution at Three Rivers or at any prison at which plaintiff may be confined, shall deduct from plaintiff's account, each time that plaintiff's prisoner account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 12-471;

3. Plaintiff's Complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B). His claims for damages and declaratory relief that are barred by Heck v. Humphrey, 512 U.S. 477, 486-87 (1994) and its progeny are DISMISSED without prejudice to his reasserting those claims in the event the Board's calculation of his sentence is invalidated or called into question by a federal court's issuance of a writ of habeas corpus;

4. Plaintiff's motion for appointment of counsel is DENIED;

5. The Clerk of Court is directed to send a copy of this Order to the Warden of the Federal Correctional Institution in Three Rivers; and

6. This case shall be marked CLOSED.

BY THE COURT:

BERLE M. SCHILLER, J.

ENTERED
MAR -2 2012
CLERK OF COURT